



Jammu and Kashmir State Information Commission

(Constituted under the Right to Information Act, 2009)

Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937

Old Assembly Complex, Srinagar, 0194-2506660, 2506661

www.jksic.nic.in

File No. SIC/J/A/220/2018

Decision No. SIC/J/A/220/2018/214

Final Order:

Appellant : Sh. Prem Lata, Advocate, J&K High Court.

Respondent : 1. **FAA.** *Director Urban Local Bodies, Jammu.*
2. **PIO.** *Dy. Director Urban Local Bodies, Jammu.*

Date of Registration : 23-01-2018

Date of decision : **10-04-2018.**

Decision : Appeal disposed of.

Brief Facts:

The present appeal is the result of an RTI application filed by the applicant Mr. Prem Lata, Advocate on 28-10-2017 with PIO/Dy. Director, Urban Local Bodies, Jammu seeking information on following points:-

1. Xerox attested copies of promotion/up-gradation of clerical staff (Local fund) of Directorate of Urban Local Bodies, Jammu;
2. Promotion/Up-gradation of Engineering staff in Urban Local Bodies from 2012 till date; and

3. Attested Xerox copies of 1st appointment orders, basic qualification and promotion from time to time of Mohammad Yousuf, S.O and Mohan Lal, Head Assistant and criteria fixed for their promotion other than seniority and their period of stay in Directorate office.

The PIO vide communication dated 28-11-2017 furnished the reply to the applicant informing him that the information sought by him pertains to 3rd party and after issuance of notice, the concerned employees have refused to share their information under section 8(i) of the RTI Act. The applicant filed 1st appeal before FAA/Director Urban Local Bodies which was disposed of by the FAA vide his order dated 20-12-2017 upholding the decision of the PIO. Aggrieved by the said disposal of his RTI request, the applicant filed 2nd appeal before the State Information Commission on 23-01-2018 praying thereunder that the order of FAA be set aside and the PIO be directed to provide information to the appellant.

Proceedings before the Commission:

The appeal came up for hearing before the Commission on 09-03-2018. The appellant submitted that the information sought by him cannot be termed as personal information. He pleaded that the public authority is supposed to maintain and hold records of its staff, their orders of appointment/ promotions and their qualifications. Such information is not exempted from disclosure under section 8(i) of the RTI Act. The PIO fairly conceded before the Commission that the information sought by the appellant should have been provided to him and stated that he will provided a revised reply to the appellant within 15 days disclosing the information sought by him. The hearing was accordingly adjourned and the PIO was granted time to furnish revised reply to the appellant.

The appeal again came up for hearing before the Commission today on 10-04-2018. Both the appellant and the PIO were present. The PIO informed that pursuant to the directions of the Commission dated 09-03-2018, entire information sought by the appellant has been provided to him on 22-03-2018. A copy of the said information was also submitted to the Commission for compliance. The appellant admitted to have received the information. He, however, pointed out that though all other documents/orders have been provided, the promotion order of Mohammad Yousuf, S.O from Sr. Assistant level to Head Assistant is missing. The PIO submitted that such omission was not intentional or deliberate and assured the appellant that it will be provided to him just next day.

Since the appellant has received the information he had request for, nothing remains to be adjudicated further in this appeal. The appeal is accordingly disposed of with a direction to the PIO to provide the copy of promotion order of Mohammad Yousuf, S.O from Sr. Assistant level to Head Assistant level within a period of one week from the date of receipt of this order.

(Mohammad Ashraf Mir),
State Information Commissioner,
J&K State Information Commission.
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